

As explained further in the accompanying Memorandum of Law, on July 21, 2010, the Court entered an Order [Docket Entry 48] preliminarily approving a settlement of this class action. The Settlement Administrator thereafter mailed notice to Settlement Class members as provided in the July 21 Order. Following mailing of the notice to Settlement Class members, publication of the Settlement, and posting of the Settlement and the Notice on the Settlement Administrator's website, CONA discovered that the names and addresses of 3,330 potential

Settlement Class members inadvertently had been omitted from the name and address list supplied to the Settlement Administrator. As a result of efforts to re-confirm data on the Settlement Class, Class Counsel also pointed out that CONA's calculations respecting the number of instances in which individual deposit accounts were charged an Undeliverable Mail Fee were incorrect. The Amended Settlement Agreement provides for notice to the additional Class Members and addresses errors relating to the number of instances in which an Undeliverable Mail Fee was charged.

Plaintiff and Defendant believe the proposed Settlement as provided in the Amended Settlement Agreement is fair, reasonable and adequate, and that the Court should therefore enter an Order substantially in the form of Exhibit A to the Amended Settlement Agreement.

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